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FCC MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

OCT 15 8 40 AM '04

In the Matter of

Amendment of Section 73.202(b),

Table of Allotments,

FM Broadcast Stations.

(Windsor and Bethel, North Carolina)

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MB Docket No. 04-72

RM-10857

REPORT AND ORDER

Adopted: October 13, 2004

Released: October 15, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* in this proceeding proposing the substitution of Channel 255C3 for Channel 255A at Windsor, North Carolina, reallocation of Channel 255C3 from Windsor to Bethel, North Carolina, and modification of the license of Station WIAM to specify operation on Channel 255C3 at Bethel.¹ Eure Communications, Inc. filed Comments.² For the reasons discussed below, we are granting the proposed channel reallocation and modification of license.

2. Lifeline Ministries, Inc. and Eure Communications, Inc. filed this proposal pursuant to Section 1.420(i) of the Commission's Rules which permits the modification of a station authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.³ *Community of License* requires that any reallocation proposal result in a preferential arrangement of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.⁴

3. As requested, we are substituting Channel 255C3 for Channel 255A at Windsor, reallocating Channel 255C3 from Windsor to Bethel, North Carolina, and are modifying the Station WIAM license to specify operation on Channel 255C3 at Bethel.⁵ This will provide a first local service for Bethel while

¹ *Windsor and Bethel, North Carolina*, 19 FCC Rcd 4805 (MB 2004).

² At the time of the *Notice*, Lifeline Ministries, Inc. was the licensee of Station WIAM. Eure Communications, Inc. is now the licensee of Station WIAM (File No. BALH-20031210ACD).

³ See *Modification of FM and TV Authorizations to Specify a New Community of License* ("Community of License"), 4 FCC Rcd 4870 (1989), *recon. granted in part* 5 FCC Rcd 7094 (1990).

⁴ 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service;; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

⁵ The reference coordinates for the Channel 255C3 allotment at Bethel, North Carolina, are 35-48-25 and 77-22-44.

Windsor will continue to receive local service from Station WURB and Station WBTE. Bethel, with a population of 1,681 persons according to the 2000 U.S. Census, is an incorporated community with a mayor and town council. Bethel has its own police department, volunteer fire department, library, school system, post office and zip code. Bethel also has local businesses and civic organizations. In addition, the reallocation of Channel 255C3 to Bethel will result in a net service gain to approximately 168,195 persons. The population losing service will continue to receive at least five aural services.⁶

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 29, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Bethel, North Carolina	255C3
Windsor, North Carolina	249A

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Eure Communications, Inc. for Station WIAM, Channel 255A, Windsor, North Carolina, IS MODIFIED, to specify operation on Channel 255C3 at Bethel, North Carolina, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for construction permit (FCC Form 301) specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's rules, unless the proposed facilities are categorically excluded from environmental processing;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's rules.

6. Pursuant to Sections 1.1104(1)(k) and (2)(k) of the Commission's Rules, any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing the application to implement the change in community of license and/or upgrade. As a result of this proceeding, Eure Communications, Inc. is required to submit a rulemaking fee in addition to the fee required for the application to effect the change in its community of license.

⁶ The Commission has considered five or more reception services to be "abundant." *Family Broadcasting Group*, 53 RR 2d 662 (Rev. Bd. 1983), *rev. denied* FCC 83-559 (Comm'n Nov. 29, 1983); *see also LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Assistant Chief
Audio Division
Media Bureau**